

This document has been electronically entered in the records of the United States Bankruptcy Court for the Southern District of Ohio.

IT IS SO ORDERED.

Dated: February 14, 2019




Jeffery P. Hopkins
United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT
WESTERN DIVISION**

In Re:	*	Case No.1:18-bk-14408
	*	Judge Jeffrey P. Hopkins
Flipdaddy's, LLC	*	Chapter 11 Proceeding
	*	
	*	
Debtor	*	

**ORDER APPROVING MOTION OF THE DEBTOR TO REJECT
(1) A LEASE AND GUARANTY AND (2) A PREFERRED
DEVELOPER AGREEMENT EFFECTIVE AS OF
THE PETITION DATE**

This matter comes on before the Court upon the Motion of Flipdaddy's, LLC, (the "Debtor") for the Entry of an Order, pursuant to 11 U.S.C. §§ 105(a) and 365(a) (the "Bankruptcy Code"), and Federal Rule of the Bankruptcy Code 6006 (the "Bankruptcy Rules"), authorizing the Debtor to (1) Reject a certain Lease and Guaranty with FD Orange

Beach 859, LLC and (2) a Preferred Developer Agreement with Guggenheim Development Services, LLC with both such rejections to be effective as of the Petition Date. (“the Motion”)

Notice having been duly given and there being no objection or response having been filed to the Motion, the Court would find that it (a) has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, (b) this is a core proceeding pursuant to 28 U.S.C. § 157(b), (c) venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409 and that notice of the Motion is sufficient under the circumstances and that no other or further notice need be provided.

The Court would further find that the legal and factual basis set forth in the Motion establishes just cause for the relief granted herein and that the relief sought in the Motion is in the best interests of the Debtor, its estate and its creditors; and after due deliberation and sufficient causing appearing;

IT IS HEREBY ORDERED THAT:

1. The Motion is **GRANTED**.
2. It is **FURTHER ORDERED** that effective as of the date this case was commenced, the Debtor is authorized to reject the lease agreement and guaranty agreement with FD Orange Beach 859, LLC, a Delaware Limited Liability Company for certain property located at 22421 Perdido Beach Blvd., Orange Beach, Alabama and to also reject the Preferred Developer Agreement with Guggenheim Development Services, LLC.
3. **IT IS FURTHER, ORDERED, ADJUDGED AND DECREED** that, as of the date this case was commenced, the above executory contracts are deemed to

be rejected for purposes of 11 U.S.C. §§ 105(a) and 365(a), and Bankruptcy Rule 6006.

4. **IT IS FURTHER, ORDERED, ADJUDGED AND DECREED** that the Court shall retain jurisdiction with respect to all matters arising from or related to the implementation or interpretation of this Order.

Service List:

Notice was electronically served on the date of entry on the following recipients:

Asst US Trustee (Cin)
ustpreion09.ci.ecf@usdoj.gov

Casey M Cantrell Swartz on behalf of Interested Party Myers Y Cooper Company
cswartz@taftlaw.com, docket@taftlaw.com; lsutton@taftlaw.com

Steven L Diller on behalf of Debtor In Possession Flipdaddy's, LLC
steven@drllawllc.com, kim@drllawllc.com; eric@drllawllc.com

Douglas N Hawkins on behalf of U.S. Trustee Asst US Trustee (Cin)
doug.hawkins@usdoj.gov,
cathy.cooper@usdoj.gov; Benjamin.a.sales@usdoj.gov

Benjamin M Rodriguez on behalf of Creditor The Park National Bank
brodriguez@fp-legal.com, kmorales@fp-legal.com

John A Schuh on behalf of Creditor Ford Motor Credit Company, LLC
jaschuhocf@swohio.twcbc.com

Jason M Torf on behalf of Creditor Gordon Food Service, Inc
jtorf@hmbllaw.com, ecfnotices@hmbllaw.com

Notice was electronically mailed to:

American Express National Bank
c/o Becket and Lee LLP
PO Box 3002

Malvern, PA 19355-0701

BDO USA LLP
Laurence W Goldberg, Dir, Receivables Mgr
4135 Mendenhall Oaks Parkway
Suite 140
Hig Point, NC 27265

2060 Digital
PO Box 645440
Cincinnati, OH 45264

Allegra
1146 Hawstone Drive
Cincinnati, OH 45230

American Express
PO Box 981535
El Paso, TX 79998

American Express Merchant
Financing
PO Box 981535
El Paso, TX 79998

Anderson Hills Plumbing
6229 Beechmont Avenue
Cincinnati, OH 45230

ASCAP
21678 Network Place
Chicago, IL 60673

Ascent Systems Innovations
409 West 35th Street
Latonia, KY 41015

Barry Farmer Draperies
11635 Deerfield Road
Cincinnati, OH 45242

BDO
PO Box 642743
Pittsburgh, PA 15264

Beckman Services, Inc.
7661 Fields Ertel Rd.
Cincinnati, OH 45241

Belden Hill Private Equity, Inc.
160 Beldon Hill Road
Wilton, CT 06897

Bert's Plumbing
1975 Alexandria Pike
Newport, KY 41076

BJ Hicks
444 Woodwick Court
Cincinnati, OH 45255

BMI General Licensing
PO Box 630893
Cincinnati, OH 45263

Boone County Clerk
3000 Conrad Lane
Burlington, KY 41005

Campbell County Sheriff's
Office
1098 Monmouth Street, Suite
216
Newport, KY 41071

Christian and Carole Timoney
214 Fox Hill Road
Wethersfield, CT 06109

Christman Outdoor Designs
8833 Strout Road
Clarksville, OH 45113

Cincinnati Bell
PO Box 748003
Cincinnati, OH 45274

Cintas Corporation
3368 Turfway Road
Erlanger, KY 41018

City of Newport
PO Box 1090
Newport, KY 41071

City of Union
1843 Mt. Zion Road
Union, KY 41091

Coca-Cola Bottling Co.
Consolidated
PO Box 602937
Charlotte, NC 28260

Cold Spring Electrical Contractors
5097 Gary Lane
Newport, KY 41076

Commonwealth of Kentucky
1003 Twilight Trail
Frankfort, KY 40601

Connie Krebs
1162 Shayler Woods Drive
Batavia, OH 45103

Craftsman Electric
3855 Alta Avenue
Cincinnati, OH 45236

Custom Mail Services
PO Box 37387
Cincinnati, OH 45222

Daniel and Nancy Angelillo
158 Fairlane Dr.
Wethersfield, CT 06109

DarPro
PO Box 530401
Atlanta, GA 30353

Dennis and Marsha Angelillo
370 Coppermill Road
Wethersfield, CT 06109

Direct TV
Po Box 5006
Carol Stream, IL 60197

Duke Energy
PO Box 1327
Charlotte, NC 28201

Economy Linen
80 Mead Street
Dayton, OH 45402

Edward Beadle
168 Langford Lane
East Hartford, CT 06118

Electric Masters, Inc.
339 Pleasant St.
Covington, KY 41011

F Collett, LLC
3702 Fairfax Avenue
Dallas, TX 75209

FG Schaefer Co.
PO Box 6505
Cincinnati, OH 45206

Florence Water & Sewer
Po Box 368
Florence, KY 41022

Ford Motor Credit
PO Box 790119
Saint Louis, MO 63179

Frank Meak
7631 Palmer Ct.
Naples, FL 34113

Fugazzi Co. Ltd.
3875 Virginia Avenue
Cincinnati, OH 45227

Giles & Lenox LLC
1018 Delta Avenue Suite 202
Cincinnati, OH 45208

Global Work Services
19664 West 36th Avenue #611
Gulf Shores, AL 36542

GNG Plumbing
24829 Canal Road
Orange Beach, AL 36561

Gordon Food Service
4980 Gateway Blvd.
Springfield, OH 45502

Greater Cincinnati Water Works
PO Box 5487
Carol Stream, IL 60197

Greater Comfort Heating & Air
PO Box 5487
Carol Stream, IL 60197

Grexen
6170 First Financial Drive
Ste. 203
Cincinnati, OH 45236

Guggenheim
3000 Internet Blvd. #570
Frisco, TX 75034

Hamilton County Treasurer
PO Box 740857
Cincinnati, OH 45274

Hartke & Associates, Inc.
2115 Schappelle Lane
Cincinnati, OH 45240

Hershey Creamery Co.
301 S. Cameron Street
Harrisburg, PA 17101

Humana
PO Box 3280
Milwaukee, WI 53201

Integrated Protection Services
5303 Lester Road
Cincinnati, OH 45213-3000

IRC Retail Centers
PO Box 6351
Carol Stream, IL 60197

John Kearney
395 S. Atlantic Ave. #204
Ormond Beach, FL 32176

Kabbage
925B Peachtree St. NE #1688
Atlanta, GA 30309

Kabbage
925B Peachtree St. NE
#1688
Atlanta, GA 30309

Kentucky State Treasurer
501 High Street
Frankfort, KY 40601

KTM II, LLC
c/o UBS Financial Services
184 Liberty Corner Road, 1st
floor
Warren, NJ 07059
Marshmallow Products, Inc.
684 Dunwoodie Drive
Cincinnati, OH 45230

WJW Management, Inc.
6952 12th Street W.
Jacksonville, FL 32220

Marshmallow Products
684 Dunwoodie Drive
Cincinnati, OH 45230

Morgan Services, Inc.
817 Webster Street
Dayton, OH 45404

New Century Dynamics, Inc.
9370 Stoney Ridge Lane
Johns Creek, GA 30022

Northern KY Health Dept.
610 Medical Village Drive
Edgewood, KY 41017

NTN Buzztime, Inc.
Dept. LA 24391
Pasadena, CA 91185-4391

NuC02 LLC
PO Box 9011
Stuart, FL 34995

Nyhart Business Interest, LLC
575 Indian Hill Trail
Cincinnati, OH 45243

Ohio State Treasurer
PO Box 183014
Columbus, OH 43218

Oracle America Inc.
PO Box 203448
Dallas, TX 75320-3448

Park National
1075 Nimitzview Drive
Cincinnati, OH 45230

Park National Bank
1075 Nimitzview Drive
Cincinnati, OH 45230

Perfection Pest Control
9967 Old Union Road
Union, KY 41091

Phillip Fanning
62 Jaques Lane
South Windsor, CT 06074

Pic's Produce
4756 Paddock Road
Cincinnati, OH 45229

Plante & Moran, PLLC
16060 Collections Center Drive
Chicago, IL 60693

Ralph Opp
3133 Louders Road
Goshen, OH 45122

River City Dist., INC.
PO Box 58369
Louisville, KY 40268

Robert Dames
444 Ashworth Ct.
Cincinnati, OH 45255

Ron McDermott
26 Sherman Avenue
Fort Thomas, KY 41075

Rumpke
PO Box 538708
Cincinnati, OH 45253

Sanitation District No. 1
1045 Eaton Drive
Fort Wright, KY 41017

SESAC, Inc.
PO Box 5246
New York, NY 10019

Signal Networking
8329 E. Main Street
Apt. 1
Alexandria, KY 41001

Staples
Department DET
PO Box 83689
Chicago, IL 60696-3689

Steven A. Crawford
423 Knollwood Drive
Highland Heights, KY 41076

Stoll-Keenan-Ogden
PO Box 11969
Lexington, KY 40579-1969

TalentReef, INC.
210 University Blvd.
Suite 300
Denver, CO 80206

Teasdale Fenton
12145 Centron Place
Cincinnati, OH 45246

The Fortuity Group
151 West Congress Street
Suite 420
Detroit, MI 48226

The Myers Y Cooper Company
9301 Montgomery Rd. Suite 2B
Cincinnati, OH 45242

Thomas J. Lynch, CAE
20 Starview Drive
Hillsborough, NJ 08844

Thomas Kearney
7844 Classics Drive
Naples, FL 34113

Thompson Hine
312 Walnut Street
14th Floor
Cincinnati, OH 45202

Titan Mechanical Solutions
LLC
11003 State Route 128
Harrison, OH 45030

TNS Jack, LLC EIN#27-
2396796
15 Hawthorne Lane
Coto De Caza, CA 92679

Tom Kearney
7844 Classics Drive
Naples, FL 34113

UBS Financial Services
184 Limberty corner Road
1st Floor
Warren, NJ 07059

American Express National
Bank
c/o Becket and Lee LLP
PO Box 3002
Malvern, PA 19355-0701